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UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
MOTION *IN LIMINE* NO. 23 AND  
WAYMO'S BRIEF IN OPPOSITION  
THERE TO**

Judge: The Honorable William Alsup  
Trial Date: October 10, 2017

Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) submit this administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motions *in Limine* No. 23 and Waymo’s Brief in Opposition to Defendants’ Motions *in Limine* No. 23. Specifically, Uber requests an order granting leave to file under seal the confidential portions of the following:

Document	Portions to Be Filed Under Seal	Designating Party
<b>DEFENDANTS’ OPENING MIL MATERIALS</b>		
Defendants’ Motion <i>in Limine</i> No. 23 (“MIL 23”)	Highlighted Portions	Defendants (blue)
Exhibit 1	Entire Document	Defendants
Exhibit 2	Entire Document	Defendants
Exhibit 9	Highlighted Portions	Defendants (blue)
Exhibit 11	Entire Document	Plaintiff
Exhibit 15	Entire Document	Defendants
<b>WAYMO’S OPPOSITION MATERIALS</b>		
Exhibit A to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Highlighted Portions	Defendants (blue)
Exhibit B to the Nardinelli Decl.	Entire Document	Plaintiff Defendants
Exhibit C to the Nardinelli Decl.	Entire Document	Defendants
Exhibit D to the Nardinelli Decl.	Entire Document	Defendants
Exhibit E to the Nardinelli Decl.	Entire Document	Plaintiff Defendants
Exhibit F to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit G to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)
Exhibit H to the Nardinelli Decl.	Highlighted Portions	Defendants (blue)

#### DEFENDANTS’ MIL MATERIALS

The highlighted portions of MIL 23 and of Exhibit 9 and the entirety of Exhibits 1, 2, 15, contain confidential or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle business strategy. This information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into Uber’s internal development of LiDAR and business plans for autonomous ridesharing, which would allow competitors to understand Uber’s LiDAR development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If

1 such information were made public, Uber's competitive standing could be significantly harmed. (*See*  
 2 Goodman Decl. ISO Uber's Administrative Motion to File Documents Under Seal ("Goodman  
 3 Decl.") ¶ 3.)

4 The entirety of Exhibit 11 contains information that Waymo designated or considers  
 5 "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective  
 6 Order in this case, or that Waymo asked Uber to file under seal. (*See* Goodman Decl. ¶ 4.)

#### 7 **WAYMO'S OPPOSITION MATERIALS**

8 The blue highlighted portions of Exhibits A, F, G, and H, and the entirety of Exhibits B, C, D,  
 9 and E to the Nardinelli Declaration contain confidential or highly confidential information regarding  
 10 Uber's LiDAR development and autonomous vehicle business strategy. This information is not  
 11 publicly known, and its confidentiality is strictly maintained. Disclosure of this information could  
 12 allow competitors to obtain a competitive advantage over Uber by giving them details into Uber's  
 13 internal development of LiDAR and business plans for autonomous ridesharing, which would allow  
 14 competitors to understand Uber's LiDAR development and autonomous vehicle business strategy, and  
 15 allow them to tailor their own strategy. If such information were made public, Uber's competitive  
 16 standing could be significantly harmed. (*See* Goodman Decl. ISO Uber's Administrative Motion to  
 17 File Documents Under Seal ("Goodman Decl.") ¶ 5.)

18 Exhibits C and D also contain confidential terms regarding Uber's employment practices  
 19 and terms of individual's employment, the disclosure of which could allow competitors to gain a  
 20 competitive advantage over Uber by giving them details into Uber's employment practices,  
 21 including compensation information and terms and conditions of employment. (*See* Goodman  
 22 Decl. ¶ 6.)

23 Exhibit F also contains the names of individual employees of Uber, whose privacy could  
 24 be impaired if their disclosure is made public in this case which is garnering substantial media  
 25 attention. (*See* Goodman Decl. ¶ 7.)

26 The entirety of Exhibits B and E to the Nardinelli Declaration contain information that  
 27 Waymo designated or considers "Confidential" and/or "Highly Confidential – Attorneys' Eyes  
 28 Only" pursuant to the Protective Order in this case, or that Waymo asked Uber to file under seal.

1 (See Goodman Decl. ¶ 8.) Pursuant to the parties' agreement regarding confidentiality of meet-  
2 and-confer correspondence, Uber also asks that Exhibits B and E be filed under seal. (See  
3 Goodman Decl. ¶ 9.)

4 Pursuant to Civil Local Rule 79-5(d)(2), Uber will lodge with the Clerk the documents at  
5 issue, with accompanying chamber copies.

6 Defendants served Waymo LLC with this Administrative Motion to File Documents  
7 Under Seal on September 13, 2017.

8 For the foregoing reasons, Defendants request that the Court enter the accompanying  
9 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and  
10 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –  
11 ATTORNEYS' EYES ONLY."

12  
13 Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

14 By: /s/ Karen L. Dunn

15 Karen L. Dunn

16 *Counsel for Defendants*  
17 UBER TECHNOLOGIES, INC. AND  
18 OTTOMOTTO LLC